



EUROPEAN COMMISSION

Brussels, 18 December 2009
C(2009) 10224

COMMISSION DECISION

of 18 December 2009

**concerning the implementation of teleworking in Commission departments
from 2010 to 2015**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968¹,

After consulting the Staff Committee and the Joint Committee on Equal Opportunities for Women and Men (COPEC),

Whereas:

- (1) Teleworking is part of a modernising trend in organisations which focuses more on result-based management and objective-driven performance and allows greater flexibility for work organisation by making use of new information technology. By helping to balance work and private life, it also contributes to the Commission's equal opportunities strategy.
- (2) At the end of the pilot project on teleworking carried out from 2006 to 2009, the assessment report concluded that it brought real benefits both to management and staff of the institution and recommended its wider implementation within Commission departments. Among the benefits for teleworkers and, by extension, for the Commission identified in the report were: a high degree of autonomy and freedom to manage working time, a better work/life balance, greater empowerment and a reduction in stress, greater motivation leading to better performance and shorter travelling times resulting in less pollution. Finally, accompanying measures to improve remote management of teleworkers were recommended.

¹ OJ L 56, 4.3.1968, p. 1.

- (3) Teleworking requires teleworkers to be highly autonomous, to have a sense of responsibility, to be well-organised and to observe deadlines. For the line manager, it also means implementing strict objective-based management, which must be fully understood by the teleworker, as well as developing efficient remote management of teleworkers.
- (4) To avoid potential risks such as difficulties with the integration of teleworkers in teams, or problems with document security or IT equipment, the consequences of teleworking for organisation of work in the unit and the method of evaluating the performance of teleworkers must be given more consideration,

HAS DECIDED AS FOLLOWS:

Article 1

Aim, definition and scope

1. A teleworking scheme is instituted for the period 1 January 2010 to 31 December 2015.
2. Teleworking is defined as a method of organising and carrying out work using information technology which allows staff members to carry out their duties outside Commission premises.
3. This Decision does not apply to staff working at home after office hours (staff with staggered working hours).

Article 2

Staff concerned

1. Teleworking is voluntary.
2. Only Commission staff or staff seconded to the Commission may submit a teleworking application, including: officials, members of the temporary staff, seconded national experts and members of the contract and local staff, management included.

Article 3

Teleworking capacity

1. A provisional table of the additional possibilities for full access which will be funded on the basis of this Decision from 1 January 2011 is given in Annex I. It may be adjusted to reflect changing needs and application numbers in the Directorates-General and services over the period concerned.
2. Directorates-General and services responsible for operational management may increase teleworking capacity using their own resources to make it more widely available to staff, if this does not adversely affect the interest of the service.
3. If a Directorate-General or service is unable to accept all the applications it receives, it shall determine an order of priority. As a general rule, priority shall be given to candidates with reduced mobility as a result of disability, those who fulfil criteria relating to the reconciliation of work and private life and those who are working full-time.

4. Where necessary, the Directorate-General or service will introduce a system of rotation to ensure that as many members of staff as possible have access to this form of working.

Article 4

Suitable tasks for teleworking

1. Teleworking is available only to staff whose duties are suitable for teleworking, for example, those which can be carried out using IT tools.
2. Tasks which require physical presence in the office are clearly unsuitable for teleworking, such as shift work, receiving the public, working as a driver, security work etc.

Article 5

Teleworking options

1. There are two possible teleworking options: regular and occasional teleworking.
2. **Regular teleworking:** alternates regular periods of telework with periods of work in the office, defined by mutual agreement. This type of telework requires the conclusion of a teleworking agreement based on the model given in Annex II and at least one token must be granted.
3. **Occasional teleworking:** in certain specific situations, allows staff to telework for a maximum of 30 working days per year, possibly for several days in a row. This arrangement may be used for work circumstances involving one-off tasks which can be carried out outside the office in case of specific personal or family problems, or in cases where a member of staff has temporarily lost his or her mobility but is still able to work.

For this type of telework, staff members must seek the agreement of their line manager, which may be given if it does not adversely affect the interests of the service. Agreement must be given in writing or by means of an exchange of e-mails between the applicant and his or her line manager. The Human Resources department must be informed if the arrangement is for more than three consecutive days.

If the justification for the application is a loss of mobility lasting more than two weeks, a note from the applicant's GP certifying that he or she is capable of teleworking must be submitted and a token or laptop must be provided.

Article 6

Equipment and technical support

1. From 1 January 2011, Directorates-General and services will progressively provide all teleworkers² with a laptop to replace the standard Commission PC. This laptop will have to be used both in the office and when teleworking.
2. The "Informatics" Directorate-General (DIGIT) keeps a catalogue³ setting out which IT services are provided to teleworkers according to type of access and the respective

² The equipment will be supplied progressively to all 3000 teleworkers

³ Address: http://www.cc.cec/digitline/u/services/telecom/teleworkers_en.htm

roles and responsibilities of DIGIT, the IRM (Information Resource Management) teams and teleworkers. The IT services provided to teleworkers may be adjusted according to users' needs, technological developments and available budget.

3. Teleworkers must bear the cost of their internet subscription and of the communication charges incurred while teleworking, regardless of the chosen teleworking option or type of access. The cost of transferring calls from work telephones to teleworkers' private numbers, however, will be borne by the Commission.

Article 7

General provisions

1. Teleworking is not a right and must always take into account the interest of the service. It is compatible with other forms of work organisation such as flexitime and part-time work.
2. All the provisions of the Staff Regulations or, where applicable, the provisions on seconded national experts⁴, continue to apply to teleworkers.
3. Teleworkers must come to the office when required to do so and must comply with the rules on leave and absences.
4. Teleworkers may be called upon at any time to return to the office, at their own expense, for urgent reasons relating to the interests of the service.
5. With the exception of occasional teleworkers, weekly presence in the office may not be less than 50% of the standard working week (37.5 hours/week), as part of a one-week or two-week cycle, even when teleworking is combined with part-time work.
6. Teleworkers must agree with their line manager which days they will be in the office. The minimum teleworking shift is half a day, taken as a single block.
7. Under the flexitime arrangements, a teleworking day will count as a standard 7h30m day, and half a day as 3h45m. No overtime will be allowed.
8. Teleworkers must always be reachable during core time but may organise their work schedule differently.
9. Teleworkers shall agree on their usual place of work with their line manager and shall inform him or her of any changes.
10. It is the line manager's responsibility to decide whether it is in the interest of the service to allow telework and to determine how many members of staff in each area of activity may telework at a given time without adversely affecting the service. The Head of the Human Resources of the Directorate-General or the department is responsible for the overall coordination of the exercise.
11. A trial period of up to three months may be envisaged in the case of first-time teleworkers.

⁴ Decision C(2008) 6866 Final of 12.11.2008 laying down rules on the secondment of national experts and national experts in professional training.

Article 8

The teleworking agreement

1. The teleworking agreement shall be concluded between the teleworker and their line manager. The agreement shall come into effect only after it has been approved by the teleworker's Director and by the Human Resources department. Where the applicant belongs to a unit or equivalent department where the head reports directly to a Director General or a Head of Service, the latter must also give their agreement, as well as the Human Resources department.

Teleworkers must agree with their line manager which days they will be in the office according to a one-week or two-week cycle. The minimum amount of time the teleworker may work from home in one week is half a day, worked in one shift, and the maximum is two-and-a-half days (or three days and two days over a two-week cycle).
2. The agreement sets out teleworkers' duties in relation to their professional objectives. It refers to the basic regulatory provisions, such as the conditions under which teleworking may be terminated, recommendations on safety and ergonomics, guidelines on the use of equipment and precautions against damage and theft. The agreement also sets out the practical arrangements for teleworking, including the frequency and the arrangements for maintaining contact with the department, as well as specifying the usual teleworking location.
3. The agreement is usually concluded for one year but may be renewed.
4. If the teleworker changes post, the agreement must be reviewed.

Article 9

Termination procedure

1. The line manager who approved the teleworking agreement, within the meaning of Article 8(1), may also decide to terminate it ahead of time, at the request of the teleworker or in the interest of the service. This makes the teleworking agreement null and void.
2. The decision to terminate the agreement shall indicate the date on which it takes effect.

The teleworker shall be notified at least one month before the decision takes effect.

In exceptional circumstances, an immediate return to normal working conditions may be imposed in the interest of the service.

Article 10

Training and career development

1. Teleworkers shall retain their right to training and their career prospects.

Teleworking must not adversely affect the individual's appraisals or assessments.

Teleworkers' workload and performance indicators must be the same as those of similar job holders working on Commission premises.
2. The Commission shall provide teleworkers with information on ergonomics, document security, use of IT equipment, precautions to be taken against damage and theft and other subjects relating to teleworking.

Management training will take into account the specifics of objective-based and remote management of teleworking staff.

Article 11

Health and safety

1. Teleworkers shall have the same insurance against accident and occupational disease as staff working on Commission premises. They shall take out the home insurance required by the law of their country of residence.
They are responsible for ensuring that their home and their home electrical installation complies with the applicable health and safety regulations.
2. The teleworker's Directorate-General or service must provide them with information on occupational health and safety, in particular the use of display screen equipment.
Teleworkers shall regularly check the advice on ergonomics communicated to them by the Commission and ensure that they maintain an adequate level of compliance.
3. Teleworkers shall not subcontract tasks entrusted to them and shall take all necessary precautions to safeguard the confidentiality of the information they handle.

Article 12

Monitoring and evaluation

1. The "Human Resources and Security" Directorate-General shall be responsible for monitoring the implementation of this Decision within the Commission, in consultation with the COPEC.
2. It will draw up a practical guide for the Human Resources units in the Directorates-General and services indicating how the selection, authorisation and rotation procedures should be implemented.
3. This guide will be applicable to all Commission departments. However, some departments with specific needs may need to adjust it accordingly. In such cases, the amended guide must be submitted to the "Human Resources and Security" Directorate-General for approval, which will also consult the COPEC.
4. The monitoring procedure established by this Decision will be subject to a mid-term review to assess its relevance and efficiency and to evaluate the impact of teleworking.
5. An overall assessment of the implementation of this Decision will be carried out by 2015 at the latest by the "Human Resources and Security" Directorate-General, in consultation with the COPEC and the departments, with a view to potential future developments.

Article 13

Entry into force

This Decision shall enter into force on 1 January 2010.

It shall apply until 31 December 2015.

Done at Brussels, on 18 December 2009

For the Commission
Jose Manuel Barroso
The President

ANNEX I

BREAKDOWN OF ADDITIONAL TELEWORKING ACCESS POSSIBILITIES BY YEAR						
	Staff (1)	2011	2012	2013	2014	2015
ADMIN	772	8	8	8	8	8
AGRI	1 155	11	11	11	11	11
AIDCO	1 050	10	10	10	10	10
BEPA	39	0	0	0	0	0
BUDG	487	5	5	5	5	5
CAB	518	5	5	5	5	5
COMM	1 034	10	10	10	10	10
COMP	903	9	9	9	9	9
DEV	335	3	3	3	3	3
DGT	2 948	29	29	29	29	29
DIGIT	447	4	4	4	4	4
EAC	632	6	6	6	6	6
ECFIN	622	6	6	6	6	6
ECHO	231	2	2	2	2	2
ELARG	419	4	4	4	4	4
EMPL	853	8	8	8	8	8
ENTR	992	10	10	10	10	10
ENV	744	7	7	7	7	7
EPSO	164	2	2	2	2	2
ESTAT	817	8	8	8	8	8
IAS	108	1	1	1	1	1
INFSO	1 192	12	12	12	12	12
JLS	607	6	6	6	6	6
JRC	2 725	27	27	27	27	27
MARE	374	4	4	4	4	4
MARKT	610	6	6	6	6	6
OIB	1 026	10	10	10	10	10
OIL	312	3	3	3	3	3
OLAF	431	4	4	4	4	4
OPOCE	706	7	7	7	7	7
PMO	413	4	4	4	4	4
REGIO	745	7	7	7	7	7
RELEX	774	8	8	8	8	8
RTD	2 005	20	20	20	20	20
SANCO	907	9	9	9	9	9
SCIC	1 064	11	11	11	11	11
SEU	4 588	46	46	46	46	46
SG	560	6	6	6	6	6
SJ	464	5	5	5	5	5
TAXUD	549	5	5	5	5	5
TRADE	564	6	6	6	6	6
TREN	1 281	13	13	13	13	13
TOTAL	37 167	370	370	370	370	370

Source: (1) SEC(2009)610, document III, table 9.1

(2) Distribution of laptops to teleworkers

The laptops shall be distributed to Directorates-General and services between 2001 and 2014 on a basis of 25% per year of the total number of teleworkers.